

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

12/13/2013 P 2/11  


UNITED STATES OF AMERICA  
ex rel. Maria Feria, Relator, *et al.*,

Plaintiffs,

vs.

DEVRY, INC., *et al.*

Defendants.

§ Civil Action No. SA:12-ca-0843-XR  
§  
§ **FILED IN CAMERA AND UNDER  
SEAL PURSUANT TO  
31 U.S.C. § 3730(b)(2) & ORDER OF  
THIS COURT**  
§  
§  
§

**RELATOR MARIA FERIA'S NOTICE OF VOLUNTARY DISMISSAL WITHOUT  
PREJUDICE**

Prior to service of the Complaint, an Answer, or any dispositive motion, Relator hereby files the instant notice voluntarily dismissing without prejudice the above-entitled case pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

Pursuant to 31 U.S.C. § 3730(b)(1), an action brought under the False Claims Act, 31 U.S.C. § 3729 *et seq.* may be dismissed “only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.” Statutes of the named states include similar provisions. Relator has conferred with the United States and the States, and has confirmed that the United States and States consent to this dismissal, so long as it is without prejudice.

With respect to Oklahoma, on December 2, 2013, undersigned counsel received a call from Oklahoma Assistant Attorney General Christopher Robinson (“Assistant AG Robinson”). Assistant AG Robinson informed counsel that the state of Oklahoma was mistakenly included in the DeVry Complaint because Oklahoma does not have a general FCA statute. Rather, Oklahoma only has a Medicaid False Claims Act statute, 63 Okl. St. § 5053, *et seq.*

Because the claims asserted against DeVry do not involve the Medicaid or Medicare programs, Oklahoma should not have been included in the DeVry Complaint.

Assistant AG Robinson stated that Oklahoma consented to a dismissal without prejudice because there was no basis for such a claim on behalf of Oklahoma through the Oklahoma Medicaid False Claims Act, 63 Okl. St. § 5053, *et seq.* Oklahoma does not have a general FCA *Qui Tam* statute.

With respect to New Jersey, Relator has attached correspondence from Deputy Attorney General Edward J. Mullins III pursuant to N.J.S.A. 2A:32C05(c).

Respectfully submitted,

**WATERS & KRAUS, LLP**

By: Dan Hargrove

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Attorneys for Plaintiff/Relator

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of December, 2013, I have served copies of Relator's Notice of Voluntary Dismissal Without Prejudice, by first-class mail on:

Richard J. Cutler Deputy Attorney General California Department of Justice Corporate Fraud Section 1300 "I" Street Sacramento, CA 95814	Edward Black Deputy Attorney General Delaware Attorney General's Office Delaware Department of Justice C600 820 North French Street Wilmington, DE 19801
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<p>Michael Black      Kelley Hubbard      State of Montana      Office of the Attorney General      P. O. Box 201401      Helena, MT 59620-1401</p>	<p>Charles Wayne Howle      Solicitor General      Cassandra Joseph      Deputy Attorney General      Office of the Attorney General      Carson City Office      100 N. Carson Street      Carson City, NV 89701-4717</p>
<p>Edward J. Mullins, III      Deputy Attorney General      Janie Maton      Assistant Chief, Deputy Attorney General      State of New Jersey      124 Halsey Street      P.O. Box 45029      Newark, NJ 07101</p>	<p>Seth T. Cohen      Assistant Attorney General      Office of Attorney General Gary King      P.O. Drawer 1508      Santa Fe, NM 87504-1508</p>
<p>Randall M. Fox      Bureau Chief      Taxpayer Protection Bureau      Office of the New York Attorney General      120 Broadway – 25th Floor      New York, NY 10271</p>	<p>Ward Zimmerman      Special Deputy Attorney General      North Carolina Department of Justice      P.O. Box 629      Raleigh, NC 27602</p>
<p>Niki Batt      Christopher Robinson      Medicaid Fraud Control Unit      Oklahoma Office of Attorney General      313 NE 21st Street      Oklahoma City, OK 73105</p>	<p>James Lee      Chief of the Civil Division      Rhode Island Attorney General      Providence County Courthouse      Licht Judicial Complex      250 Benefit Street, 2nd Floor      Providence, RI 02903</p>

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DAN HARGROVE



*State of New Jersey*

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lt. Governor*

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*Director*

December 5, 2013

**VIA FIRST CLASS MAIL AND E-MAIL TO: csilhan@waterskraus.com**

Caitlyn Silhan, Esq.  
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3219 McKinney Avenue  
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**Re: United States of America ex rel. Maria Feria v. DeVry, Inc., et al.,**  
**No. SA:12-cv-00843-XR (W.D. Tex. filed Sept. 11, 2012)**  
**DOL Docket No. 12-03304**

Dear Ms. Silhan:

The State of New Jersey ("New Jersey") hereby consents to Plaintiff Maria Feria's (the "Relator") voluntary dismissal of this action without prejudice pursuant to N.J.S.A. 2A:32C-5(c) and Fed. R. Civ. P. 41(a)(1). The Relator brings this action pursuant to the New Jersey False Claims Act, N.J.S.A. 2A:32C-1 to -18, among others, for alleged violations of New Jersey institution of higher education eligibility laws. At this time, New Jersey is unable to substantiate the New Jersey-specific claims as alleged in the Complaint dated September 11, 2011, and the Relator no longer wishes to pursue her claims. For the reasons stated herein, New Jersey consents to the Relator's voluntarily dismissal without prejudice.

Please send a copy of the Relator's notice of dismissal, and all documents filed with the Court in this matter, to the Attorney General via e-mail to [edward.mullins@dol.lps.state.nj.us](mailto:edward.mullins@dol.lps.state.nj.us).

Sincerely yours,

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY

By:   
Edward J. Mullins III  
Deputy Attorney General

cc: Janine Matton, Deputy Attorney General, Assistant Chief

